



## City of Marietta Meeting Summary

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### CITY COUNCIL

*William B. Dunaway, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Holly Marie Walquist, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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**Wednesday, June 10, 2009**

**7:00 PM**

**Council Chamber**

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20090545      **Award Presentation - Hal Cosper**

Presentation of Chief Building Official of the Year Award to Hal Cosper, Building Inspector, by Tom Carty, of The Builders Association of Georgia, .

***Presented***

20090575      **Proclamation for Metro Ambulance**

Mayor Bill Dunaway, Fire Chief Jackie Gibbs and Police Chief Dan Flynn present a Proclamation to CEO Pete Quinones and Supervisor Mitch Partello of Metro Ambulance Service for their professional service to our community.

***Presented***

20090513      **Regular Meeting - May 13, 2009**

Review and approval of the May 13, 2009 regular meeting minutes.

***Approved***

20090514      **Special Meeting - May 27, 2009**

Review and approval of the May 27, 2009 special meeting minutes.

***Approved***

20090446      **BLW Non - Resident (Post B) Vacancy**

Reappointment of Dr. Harlon Crimm as the Board of Lights and Water non-resident member for a term of four years, expiring July 11, 2013.

***Approved***

20090511      **Code Enforcement - 130 Parkview Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 130 Parkview Drive.

Listed Owner: Amado Rodriguez

Repeat Violation History: None

Certified mail receipt not received as of 05-28-09

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090522

**Code Enforcement - 369 Roselane Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 369 Roselane Street.

Listed Owner: Mashburn Kennon L & Tommy Jo

Repeat Violation History: ( 4 ) previous cases since ( 08/03/06 )

Certified mail receipt received 05/16/09; signed by owner.

Taxes paid: Unpaid, \$733.27 owed for 2008

**PUBLIC HEARING REQUIRED**

*Removed*

20090523

**Code Enforcement - 390 Scott Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 390 Scott Drive SE.

Listed Owner: Cash James G

Repeat Violation History: ( 4 ) previous cases since ( 08/03/06 )

Certified mail receipt received 08/03/06; signed by owner.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

*Approved*

20090531

**Code Enforcement - 1261 William Robert Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1261 William Robert Drive.

Listed Owner: Ramon & Maria Mandujano

Repeat Violation History: None

Certified mail receipt not received as of 05/28/09

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090532      **Code Enforcement - 129 Hedges Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 129 Hedges Street.

Listed Owner: Cindy L. Baker

Repeat Violation History: (5) cases since (01/27/05)

Certified mail receipt received 05/11/09

Taxes paid: Unpaid, owes \$2,219.18 for 2007 & 2008

**PUBLIC HEARING REQUIRED**

*Approved*

20090533      **Code Enforcement - 77 Gramling Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 77 Gramling Street.

Listed Owner: Sayag Arye N.

Repeat Violation History: ( 1 ) case since ( 02/11/09 )

Certified mail receipt not received as of 05/28/09

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090534      **Code Enforcement - 503 Burns Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 503 Burns Court.

Listed Owner: Rosalee Madlock

Repeat Violation History: ( 1 ) case since ( 08/18/08 )

Certified mail receipt not received as of 05/28/09

Taxes paid: No, \$2,873.95 owed for 2007 & 2008

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090540      **Code Enforcement - 496 Barnes Mill Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Listed Owner: Lanham Marjorie Juanita

Repeat Violation History: ( 14 ) cases since ( 2001 )

Certified mail receipt received 05/13/09; "Return to Sender/Not Deliverable as Addressed/Unable to Forward"

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090541      **Code Enforcement - 1129 Mountain View Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1129 Mountain View Drive.

Listed Owner: Kaur Suchinder & Singh Lakhwinder

Repeat Violation History: ( 4 ) cases since ( 2001 )

Certified mail receipt received 05/11/09 "Return to Sender/Not Deliverable As Addressed/Unable to Forward" / No certified letter returned from other address.

Taxes paid: Unpaid, \$3,953.32 owed.

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090549      **Code Enforcement - 521 Atlanta Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 521 Atlanta Street.

Listed Owner: Russell A. Mullins

Current Owner: Waymon Ahart (purchased August, 2008)

Repeat Violation History: None

Certified mail receipt not received as of 06/01/09

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090550      **Code Enforcement - 482 Hyde Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean Stacy & Betty Louise Stacy

Repeat Violation History: ( 6 ) previous cases since ( 05/15/09 )

Certified mail receipt not received as of 06/01/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090552

**Code Enforcement - 263 Alexander Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 263 Alexander Street.

Listed Owner: Alan C. Nicholson

Repeat Violation History: ( 1 ) previous case since ( 10/24/08 )

Certified mail receipt received 05/28/09; not signed by owner.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090553

**Code Enforcement - 126 South Avenue**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 126 South Avenue.

Listed Owner: Gwen Wilcox Newberry

Repeat Violation History: ( 4 ) previous cases since ( 01-24-06 )

Certified mail receipt received 05/23/09; signature not legible.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090554

**Code Enforcement - 182 Wayland Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 182 Wayland Street.

Listed Owner: Winter Marietta, LLC

Repeat Violation History: None

Certified mail receipt received 05/27/09; not signed by Officer of Corporation.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090558

**Code Enforcement - 397 Windsor Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 397 Windsor Drive.

Listed Owner: Peter F. & Susan M. Polyak

Repeat Violation History: ( 3 ) previous cases since ( 05/21/07 )

Certified mail receipt not received as of 05/29/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090560

**Code Enforcement - 341 W. Post Oak Crossing**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 W. Post Oak Crossing.

Listed Owner: Erika S. Burse

Repeat Violation History: ( 12 ) previous cases since ( 05/07/02 )

Certified mail receipt not received as of 05/29/09

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090562

**Code Enforcement - 1461 Dallas Circle**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1461 Dallas Circle.

Listed Owner: Callahan Larry S. Jr. & Shelli D.

Current Owner: U.S. Bank National Association (purchased April, 2009)

Repeat Violation History: ( 3 ) previous cases since ( 05/14/08 )

Certified mail receipt received 05/14/09; not signed by Officer of Bank

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090566

**Code Enforcement - 414 Water Oak Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 414 Water Oak Way.

Listed Owner: Quesada Anibal & Pedro A. Marines

Quesada Rosalia O.

Repeat Violation History: ( 3 ) previous cases since ( 07/20/05 )

Certified mail receipt not received as of 05/29/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090568

**Code Enforcement - 199 Atwood Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 199 Atwood Drive.

Listed Owner: Dorothy Clark Graham (Deceased)

Repeat Violation History: ( 3 ) previous cases since ( 08/26/94 )

Certified mail receipt received 05/04/09; not signed by Officer of Sidus Financial, LLC

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090569

**Code Enforcement - 341 Austin Avenue**

[An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 Austin Avenue.

Listed Owner: EPIC VII LLC

Repeat Violation History: None

Certified mail receipt received 05/21/09; not signed by owner/agent.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved*

20090577

**Denial of a claim**

Denial of the claim of Temecula Valley Bank.

*Approved to Deny Claim*

20090546

**Denial of a Claim**

Denial of the claim of Adam Thomas.

*Approved to Deny Claim*

20090472

**Adoption of recommended Budget for FY2010**

Adoption of the Annual Budget for fiscal year ending June 20, 2010, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations. Further, the hotel/motel and 3% auto rental tax funds shall be allocated according to the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff.

*Approved*

20090473

**Welcome Center Contract**

Approval of a request to allocate hotel/motel and 3% auto rental tax funds according to the the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff and approve the FY2010 Welcome Center contract.

*Approved*

20090496

**FY'09 Budget Amendment**

Ordinance approving a Budget Amendment receiving and allocating funds from the East Park HOA for installation of speed tables.

*Approved*



20090276

**Lease request by Verizon Communications**

Motion to approve a Lease Agreement with Verizon Communications for the addition of a generator at the cell tower located at the Allgood fire department.

*Approved*

20090492

**Ordinance Position Allocation Chart and Pay and Classification Plan**

Ordinance adopting the position allocations to departments for the City of Marietta and the Board of Lights and Water and the City of Marietta/BLW position classification and compensation plans for the 2010 fiscal year.

*Approved*

20090376

**2005 SPLOST Interest Proceeds**

Ordinance approving an amendment to the Fiscal Year 2009 budget to appropriate SPLOST interest proceeds for project implementation and to account for a project budget reallocation.

*Approved*

20090579

**Roswell Street Alternatives**

Motion approving the scope for the Roswell Street Median and Streetscapes project between Fairground Street and Victory Drive to include 4 lanes with median and streetscape enhancements indicated as Option 4 on the attached drawing.

*Approved*

20090490

**White Street and Cogburn Avenue**

Motion to authorize the closing of a portion of Cogburn Avenue and White Street within the City of Marietta.

*Approved*

20090467

**V2009-12 Cecil Cox 750 Franklin Road**

V2009-12 [VARIANCE] CECIL COX requests variances for property located in Land Lot 06450, Parcel 0010, 17th District, 2nd Section of Cobb County, Marietta, Georgia and being known as 750 Franklin Road. Variance to establish a gated community; and a variance to reduce the required minimum road width at a gate from 30 ft. to 22 ft. Also, the following are incorporated as stipulations to this request: (1) the elimination of five (5) parking spaces in order to create a driveway aisle for guest access; (2) Applicant shall comply with attachments A, B, and C (attached) [726.03] (3) Applicant shall allow access to the adjacent property owners. Ward 7

*Approved as Stipulated*

*Motion to approve with the additional stipulation: Applicant shall allow access to the adjacent property owners.*

**20090468      V2009-13 Saima Ahmed 68 Black Street**

V2009-13 [VARIANCE] SAIMA AHMED request a variance for property located in Land Lot 12150, 16th District, Parcel 0690, 2nd Section of Cobb County, Marietta, Georgia and being known as 68 Black Street. Variance to allow impervious surface encroachment within a required planted border area. Ward 5.

***Tabled***

**20090574      Clarke Library Lease**

Motion approving a Lease Contract for the Clarke Library between the City of Marietta and K. Mike Whittle Designs, Inc.

***Approved as Amended***

*Motion approving a Lease Contract for the Clarke Library between the City of Marietta and K. Mike Whittle Designs, Inc., subject to final and minor amendments approved by the City Manager and City Attorney.*

**20090548      Property Acquisitions**

Motion accepting donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following properties:

268 Kennesaw Avenue (W.M Christopher Stalcup)  
274 Kennesaw Avenue (Eric J. & Sandra R. Waterman)

No stipulations

***Approved***

**20090547      Property Acquisition**

Motion accepting donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following property

298 Kennesaw Avenue, Ms. Maryann W. Park - with the following stipulations as outlined in Attachment "A"

***Approved***

**20090611      Property Acquisitions**

Motion to accept the following donations of property and easements:

For the purpose of Fairground St. Improvements (Allgood Rd. to N. Marietta Pkwy):

500 N Fairground St from Ronald Ogunleye with no stipulations

376 N Fairground St from Kimberly & David Preuss with stipulations of both driveway aprons widened to seventeen (17') feet wide and contractor not to take longer than two (2) weeks on property once work has begun

384 N Fairground St from Gary & Debra Morgan with stipulations of two stumps to be removed and ground below finished grade elevation and if fence is removed for construction replace with "like kind"

For the purpose of Fairground St. Improvements (N. Marietta Pkwy to S. Marietta Pkwy):

528 Rigby St from David Sylvester Watts with no stipulations

200 N Fairground St from John R. Pensinger with stipulations to replace shrubbery "in kind" if damaged by contractor

140 S Fairground St from Wallace L. & Freddy L. Crowder with no stipulations

236 S Fairground St from Belene B. Hickman Living Trust with no stipulations

244 S Fairground St from Agape Properties with no stipulations

252 S Fairground St from Section 8 Offices LLC with no stipulations

262 S Fairground St from Ann B. Meyers with no stipulations

270 S Fairground St from Joseph D. Vogel with no stipulations

For the purpose of Roswell St. Improvements (Olive St. to Fairground St.):

462/480 Roswell Street from Ronald J. Dudley with stipulations of parking lot to remain in the same condition after demolition is complete.

*Approved*

20090612

### **Property Acquisitions**

Motion authorizing partial property acquisition and easment acquisition of the following properties:

137 S. Fairground St. from 4-T Inc. in exchange for \$4,245 for Right of Way and Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$50,325 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

602 Roswell Street from Wachovia in exchange for \$92,550 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Olive St-Fairground St.)-Value includes sign replacement

701 Sandtown Road from Sue Bishop Davis in exchange for \$20,580 for Right of Way for the Powder Springs Road Streetscape Project

400 Tower Road from Bengal Holdings, LLC in exchange for \$40,576 for purchase of Right of Way for the required Right of Way and Easements needed for the construction of the SR5 at Tower Road Intersection Improvement project. (See easement document for stipulations)

580 Saint Annes Road from David & Charon Shenberger in exchange for \$12,000 for Temporary Construction Easement for 2006 Sidewalk project

*Approved*

20090613

**Property Acquisition - 710/720 Powder Springs Road**

Motion to authorize the acquisition of property owned by Oakwood Ventures, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20090614

**Property Acquisition - 790/800/820 Powder Springs Road**

Motion to authorize the acquisition of property owned by Chestnut Powder, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20090615

**Property Acquisition- 827 Roswell Street**

Motion to authorize the acquisition of property owned by Jean L. Galt on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20090544      **Approval of BLW Minutes Item**

Request for approval of the May 11, 2009 BLW Action to approve agenda item 20090412, Adoption of Marietta Board of Lights and Water FY10 Budget.

*Approved*

20090516      **BLW Actions of June 8, 2009**

Review and approval of the June 8, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

*Approved*